

# Senate File 131 - Introduced

SENATE FILE \_\_\_\_\_  
BY APPEL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act authorizing the posting of certain notices, actions, and  
2 information of certain local governments on an internet  
3 website.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1648XS 83  
6 md/sc/8

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1 1 Section 1. Section 21.4, subsection 4, Code 2009, is  
1 2 amended to read as follows:  
1 3 4. If another section of the Code requires or authorizes a  
1 4 manner of giving specific notice of a meeting, hearing, or an  
1 5 intent to take action by a governmental body, compliance with  
1 6 that section shall constitute compliance with the notice  
1 7 requirements of this section.  
1 8 Sec. 2. NEW SECTION. 22A.1 ELECTRONIC PUBLICATION OF  
1 9 PUBLIC NOTICES.  
1 10 1. For purposes of this section, "municipality" means a  
1 11 public body or corporation that has power to levy or certify a  
1 12 tax or sum of money to be collected by taxation.  
1 13 2. a. A municipality that is required by statute to  
1 14 publish or post in a public place a notice, action, or other  
1 15 information, may, in lieu of such requirements, post the  
1 16 notice, action, or other information on an internet website if  
1 17 posting such information on an internet website has been  
1 18 authorized, by ordinance or resolution of the governing body  
1 19 of the municipality, as a means of official publication.  
1 20 b. An ordinance or resolution that authorizes posting on  
1 21 an internet website as an official publication shall identify  
1 22 each type of notice, action, or information that shall be  
1 23 posted on an internet website in lieu of publication. If the  
1 24 municipality is a city or a county such authorization shall be  
1 25 by ordinance.  
1 26 c. This section shall not apply to the publication of  
1 27 notices under chapter 6B, notices provided under the rules of  
1 28 civil procedure, or any notice required to be given by  
1 29 personal service.  
1 30 3. Notices, actions, or other information posted by a  
1 31 municipality on an internet website pursuant to this section  
1 32 shall include all information otherwise required to be  
1 33 contained in the publication and shall comply with all  
1 34 requirements relating to the date of publication.  
1 35 4. If posting on an internet website is authorized by a  
2 1 municipality to satisfy publication requirements, all of the  
2 2 following shall apply:  
2 3 a. The internet website shall be operated and maintained  
2 4 by the governing body of the municipality.  
2 5 b. The internet website shall be accessible at all times  
2 6 by the public, including the visually impaired.  
2 7 c. The public shall not be charged for access to any  
2 8 notice, action, or other information posted on the internet  
2 9 website pursuant to this section.  
2 10 d. The internet website shall be searchable by keyword,  
2 11 type of notice, action, or information, and geographic  
2 12 location.  
2 13 e. The notice, action, or other information posted on an  
2 14 internet website pursuant to this section shall be maintained  
2 15 and accessible through the same website address for as long as  
2 16 required by law or as long as such information is customarily  
2 17 maintained by the municipality, whichever is longer.

2 18 f. A notice, action, or other information posted on an  
2 19 internet website pursuant to this section by a municipality  
2 20 other than a city shall also be made available by the  
2 21 municipality in a paper format in the office of the county  
2 22 auditor. A notice, action, or other information posted on an  
2 23 internet website pursuant to this section by a municipality  
2 24 that is a city shall also be made available by the  
2 25 municipality in a paper format in the office of the city  
2 26 clerk.

2 27 Sec. 3. Section 49.53, subsection 2, Code 2009, is amended  
2 28 to read as follows:

2 29 2. The notice shall be published in at least one  
2 30 newspaper, as defined in section 618.3, which is published in  
2 31 the county or other political subdivision in which the  
2 32 election is to occur or, if no newspaper is published there,  
2 33 in at least one newspaper of substantial circulation in the  
2 34 county or political subdivision. For the general election or  
2 35 the primary election the foregoing notice shall be published  
3 1 in at least two newspapers published in the county. However,  
3 2 if there is only one newspaper published in the county,  
3 3 publication in one newspaper shall be sufficient. Compliance  
3 4 with the requirements of section 22A.1 shall constitute  
3 5 compliance with the publication requirements of this section.

3 6 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009,  
3 7 is amended to read as follows:

3 8 The requirements of section 279.35 are satisfied by  
3 9 publication in at least one newspaper published in the  
3 10 district or, if there is none, in at least one newspaper  
3 11 having general circulation within the district. Compliance  
3 12 with the requirements of section 22A.1 shall constitute  
3 13 compliance with the publication requirements of this section.

3 14 Sec. 5. Section 331.305, Code 2009, is amended to read as  
3 15 follows:

3 16 331.305 PUBLICATION OF NOTICES.

3 17 Unless otherwise provided by state law, if notice of an  
3 18 election, hearing, or other official action is required by  
3 19 this chapter, the board shall publish the notice at least  
3 20 once, not less than four nor more than twenty days before the  
3 21 date of the election, hearing, or other action, in one or more  
3 22 newspapers which meet the requirements of section 618.14.  
3 23 Notice of an election shall also comply with section 49.53.  
3 24 Compliance with the requirements of section 22A.1 shall  
3 25 constitute compliance with the publication requirements of  
3 26 this section.

3 27 Sec. 6. Section 362.3, Code 2009, is amended by adding the  
3 28 following new subsection:

3 29 NEW SUBSECTION. 3. Compliance with the requirements of  
3 30 section 22A.1 shall constitute compliance with the  
3 31 requirements of this section relating to publication in a  
3 32 newspaper and to publication by posting.

3 33 EXPLANATION

3 34 This bill relates to the publication of notices, actions,  
3 35 and other information by municipalities, as defined in the  
4 1 bill. Under the bill, a municipality that is required by  
4 2 statute to publish, or post in a public place, a notice,  
4 3 action, or other information, may, in lieu of such  
4 4 requirements, post the notice, action, or other information on  
4 5 an internet website if posting such information on an internet  
4 6 website has been authorized, by ordinance or resolution of the  
4 7 municipality and the type of notice, action, or other  
4 8 information required to be posted is identified in the  
4 9 ordinance or resolution.

4 10 The bill does not allow notices under Code chapter 6B  
4 11 ("Procedure Under Eminent Domain"), notices provided under the  
4 12 rules of civil procedure, or any notice required to be given  
4 13 by personal service to be posted on an internet website in  
4 14 lieu of publication or service.

4 15 The bill requires notices, actions, or other information  
4 16 posted on an internet website to include all information  
4 17 otherwise required to be published and requires compliance  
4 18 with all provisions relating to the date of publication.

4 19 The bill also requires an internet website used to post  
4 20 notices, actions, and other information to be operated and  
4 21 maintained by the governing body of the municipality;  
4 22 accessible at all times by the public, including the visually  
4 23 impaired; accessible to the public without charge; and  
4 24 searchable. All information posted on an internet website  
4 25 under the bill shall be maintained and accessible through the  
4 26 same website address for as long as required by law or as long  
4 27 as such information is customarily maintained by the  
4 28 municipality, whichever is longer.

4 29 The bill requires a municipality to make all information  
4 30 posted on the internet website, in lieu of publication or  
4 31 posting in a public place, available in a paper format in the  
4 32 office of the county auditor or in the office of the city  
4 33 clerk if the municipality is a city.  
4 34 LSB 1648XS 83  
4 35 md/sc/8.1